

C. Remarks

The claims are 1, 7-12, and 18-22 with claims 1 and 12 being independent. Claims 1 and 12 have been amended to clarify the invention. More specifically, each of the independent claims has been amended to make it more clear that it is the judging step or judging means which judges based on image data to be printed. These amendments are fully supported by the application as filed; accordingly, no new matter has been added. Reconsideration of the present claims is respectfully requested.

Claims 1, 7-9, 12 and 18-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Takahashi (JP 04-033470 A). Claims 10, 11, 21 and 22 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi in view of Applicant's described Prior Art. Applicants respectfully traverse these rejections.

Applicants would again like to direct the Examiner's attention to at least one key distinction between Takahashi and the present invention. More specifically, the judging means or judging step of the present invention judges the printing condition based on image data to be printed. The independent claims have now been amended to make this distinction more clear in response to the Examiner's "Response to Arguments" in the outstanding Office Action. In contrast, Takahashi discloses that a printing condition (a type of printing medium) is judged based on a selected signal PS (Fig. 4) that is inputted through an operating section 10 (Fig. 3). The bases for judging printing condition is thus clearly different as between Takahashi and the present invention. Accordingly, the present invention is not anticipated by Takahashi, and Applicants respectfully request withdrawal of the §102 rejection premised upon it.

What is more, Applicants' described prior art does not remedy Takahashi's deficiency. In fact, it is cited by the Examiner merely for its disclosure related to the printing of a test pattern. Applicants' described prior art does not disclose or suggest judgement of a printing condition on the basis of image data to be printed. Accordingly, the present invention is not rendered obvious by the combination of Takahashi and Applicants' described prior art, and Applicants respectfully request withdrawal of the §103 rejection.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance. Its entry is therefore believed proper under 37 C.F.R. §1.116. Accordingly, consideration of this Amendment After Final Rejection, as an earnest attempt to advance prosecution, is respectfully requested. Should the Examiner believe that issues remain outstanding, the Examiner is respectfully requested to contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

/Elizabeth F. Holowacz/
Elizabeth F. Holowacz
Attorney for Applicants
Registration No. 42,667

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

FGHS_WS 2531852v1